

PH
Correct

a tilt switch to activate the light source when the flag assembly is in a generally vertical position and deactivate the light source when the flag arm assembly is generally in the horizontal position.

/C

Remarks

The drawings were objected to because Figure 5 included a reference sign 64. A proposed new Figure 5 is enclosed herewith showing the proposed changes.

Claim 5 was objected to because of informalities. The term "flag assembly" has been changed to -flag arm assembly--.

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,979,101 to Muenchow in view of U.S. patent no. 5,074,072 to Serocki et al. The rejection is based on the examiner's statement that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to position the power source generally at the base of the assembly, since it has been held that rearranging parts of an invention involves only routine skill in the art..." While such an assumption may be correctly made in certain circumstances, in the present situation, such an assumption is not correct. The Invention of Muenchow has been commercialized and is being sold. Submitted herewith is a true and accurate copy of the instructions that accompany the Muenchow device. The undersigned application declares that it is a true and correct copy of such. As can be seen, applicant's assertion that such a device as Muenchow would be too heavy to allow the flag to raise from a generally horizontal position to a generally vertical position. To overcome this limitation of the Muenchow invention, Muenchow did not adopt the applicant's inventive features. Muenchow, presumably one of more than ordinary skill in the art, suggests moving the entire assembly away from the flag end towards the

base end, rather than separating the light and power source, as is claimed in the present invention.

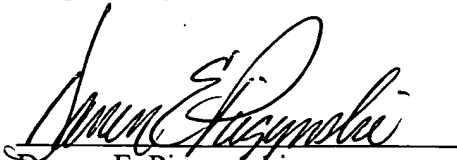
The rejection in view of U.S. Patent No. 5,074,072 to Serocki et al. is based on the examiners statement "Serocki et al. teaches the use of a reflective material for a fishing tip-up device...therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use reflective material..." The applicant would like to point that Serocki's invention is of a tip-up variety and not a tip-up light assembly. Serocki's use of reflective material is mentioned to be located on the spool or the flag itself and only serves purpose to Serocki's invention alone. The applicant's invention is a tip-up light assembly that can be utilized on multiple tip-up flag arms, including Serocki's, therefore, providing the use of reflective properties to several tip-up devices. The inventions, though both relate to an ice fishing apparatus, is where the similarities end. The applicant requests reconsideration on the comparison.

As amended, the claims define over each cited reference, or any combination of cited references. An early notice of Allowance is requested.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made." Also enclosed is an enlarged copy of the Muenchow invention instruction sheet.

Dated: April 14, 2003

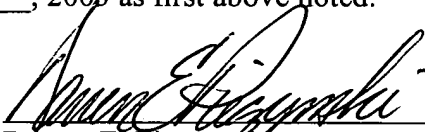
Respectfully submitted,


Darren E. Pieczynski,

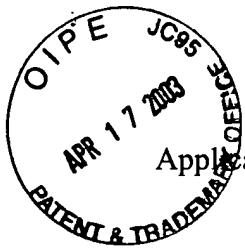
Applicant

CERTIFICATE OF MAILING

I hereby certify that the above-noted paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C., 20231 on April 14, 2003 as first above noted.



Darren E. Pieczynski



Application No. 10/066,267

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims

5. (Amended) An ice fishing tip-up display to be used with an ice fishing tip-up assembly having a flag arm assembly and a base assembly comprising:

a [flashing] light source adopted to be removably attached to a flag end of the tip-up flag arm assembly;

a power source generally at the base assembly to supply power to the [flashing] light source;

a reflective enclosure to house the [flashing] light source; and

a tilt switch to activate the [flashing] light source when the flag assembly is in a generally vertical position and deactivate the [flashing] light source when the flag arm assembly is generally in the horizontal position.